REMARKS

  Claims 1–2, 5–6, 9–10, and 13–15 were pending and were rejected. Claims 1–2, 5–6, 9–10, and 13–15 are amended herein. Reconsideration of the application is requested in view of the foregoing amendments and the following remarks.

Rejections Under 35 U.S.C. § 101

  Claims 5–6 and 14 were rejected under 35 U.S.C. § 101 as being drawn to non-statutory subject matter because the claimed videoconferencing station comprised a storage medium that was not expressly limited to non-transitory media. This rejection is poorly founded in that the claimed medium was described as "storing" instructions, and storage inherently requires that the medium be non-transitory. Nonetheless, in the interest of advancing prosecution, claim 5 has been amended to expressly recite that the medium is "non-transitory." Reconsideration and withdrawal of this rejection are therefore requested.

Prior Art Rejections

  Claims 1–2 were rejected under 35 U.S.C. § 102(b) as anticipated by Kohler. Claims 5–6, 9–10, and 13–15 were rejected under 35 U.S.C. § 103(a) as obvious over Kohler in view of Miloslavsky. Because Kohler fails to teach the limitations of claim 1 for which it is cited, and because Miloslavsky does not supply these missing limitations, the rejections of all pending claims are improper and should be withdrawn.

  Claim 1 (as amended) recites, among other limitations

- determining whether the first incoming call is in a connected state
- if the first call is in a connected state, answering the second call;
- if the first call is not in a connected state:
    - placing the second call in a pending answer state; and
    - waiting for the first incoming call to progress to a second state; and
- answering the second incoming call after the first incoming call progresses to the second state.

Kohler fails to teach or suggest these limitations. Examiner argues that the Kohler teaches such elements at column 10 lines 15–45. However such passage merely describes calls in a queue that are waiting to be matched with an appropriate agent. In particular, Kohler places calls in a queue, and "calls that have been waiting the longest are examined first." Col. 10 ll. 26–27. Further "in the event that an agent is found... the call is connected to that agent and...he is automatically removed from the queue." Col. 10 ll. 40–45.

The passage cited does not teach "retaining the first incoming call in a connected state" and then "answering the second incoming call and placing it in a pending answer state **after** the first incoming call progresses to a second state." Neither the queue nor the connected status described in the passage cited by the Examiner can be the pending answer state. First, according to Kohler, each call is placed in a queue, and both the first and second incoming call is unanswered in the queue. This queue cannot be the recited pending answer because both the first and second incoming calls are in this state simultaneously. The connected state cannot be the pending answer state because the claim expressly recites a connected state that is mutually exclusive with the pending answer state.

Miloslavsky does not supply these missing limitations, and it is not cited for any teaching other than that of a videoconferencing station. Therefore, Miloslavsky does not cure the defects in the rejection based upon Kohler. Independent claims 5 and 9 recite similar limitations to the limitations of claim 1 discussed above. Claims 5 and 9 are therefore allowable for at least the same reasons. Additionally, claims 2, 6, 10 and 13-15 are dependent from independent claims 1, 5, or 9 and are also allowable for at least the same reasons.

CONCLUSION

In view of the foregoing amendments and arguments, it is submitted that all claims are now in condition for allowance.

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Respectfully submitted,

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Date

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